



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 039386-0924

Applicant: Janice AU-YOUNG et al.
Title: TWO NEW HUMAN DNAJ-LIKE PROTEINS
Appl. No.: 09/501,714
Filing Date: 02/10/2000
Examiner: E. Slobodyansky
Art Unit: 1652

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BOARD OF PATENT APPEALS
AND INTERFERENCES

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, INCYTE CORPORATION, having its principal place of business at Experimental Station, Route 141 and Henry Clay Road, Building E336/225, Wilmington, Delaware 19880, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/501,714, filed 02/10/2000, which is a divisional of U.S. Patent Application Serial No. 09/388,993, filed 09/02/1999, now U.S. Patent No. 6,043,222, which is a divisional of U.S. Patent Application Serial No. 09/235,373, filed 01/20/1999, now U.S. Patent No. 6,001,598, which is a divisional of U.S. Patent Application Serial No. 08/868,288, filed 06/03/1997, now U.S. Patent No. 5,922,567, by virtue of an Assignment filed and recorded on 04/27/1998, on Reel/Frame 009158/0524, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A.

Your Petitioner, INCYTE CORPORATION, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent

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5,922,567, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 5,922,567 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 5,922,567 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 5,922,567 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 5,922,567 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 5,922,567, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignments attached as APPENDIX A, and to the best of her knowledge and belief, legal title to the above identified patent application and U.S. Patent 5,922,567 rests with Petitioners, INCYTE CORPORATION. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

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Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

10/28/04
Date

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